

113TH CONGRESS  
1ST SESSION

# H. R. 1635

To establish the National Commission on Federal Marijuana Policy.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2013

Mr. COHEN (for himself, Mr. POLIS, Mr. BLUMENAUER, Mr. FARR, and Mr. MORAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Financial Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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# A BILL

To establish the National Commission on Federal Marijuana Policy.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Commission

5       on Federal Marijuana Policy Act of 2013”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1                     (1) In 1971, Congress created the National  
2                     Commission on Marihuana and Drug Abuse, led by  
3                     Governor Raymond P. Shafer, known as the Shafer  
4                     Commission.

5                     (2) The Shafer Commission undertook a com-  
6                     prehensive review of the nature and scope of mari-  
7                     juana use, its effects, the relationship of marijuana  
8                     use to other behavior, and the efficacy of existing  
9                     law.

10                    (3) The final report of the Shafer Commission  
11                    recommended that marijuana be decriminalized.

12                    (4) Since the Shafer Commission, the Federal  
13                    Government has expanded its “War on Drugs” and  
14                    continued to prohibit the use of marijuana.

15                    (5) The District of Columbia and 18 States  
16                    have legalized and regulated the use of marijuana  
17                    for medicinal purposes.

18                    (6) Since 1973, 15 States have decriminalized  
19                    marijuana for personal use, in some cases based on  
20                    the Shafer Commission recommendations.

21                    (7) Since 1973, 2 States have legalized and reg-  
22                    ulated marijuana for personal use.

23                    (8) Since the Shafer Commission, the Federal  
24                    Government has not undertaken a similar review of  
25                    its policy toward marijuana.

1                             (9) The Federal Government must reconcile its  
2                             prohibition of marijuana with the laws of the States  
3                             where marijuana is legal for some purposes and the  
4                             likelihood that more States will follow in this path.

5                             **SEC. 3. ESTABLISHMENT.**

6                             There is established a commission to be known as the  
7                             National Commission on Federal Marijuana Policy (in this  
8                             Act referred to as the “Commission”).

9                             **SEC. 4. DUTIES.**

10                           The Commission shall undertake a comprehensive re-  
11                             view of the state and efficacy of current policies of the  
12                             Federal Government toward marijuana in light of the  
13                             growing number of States in which marijuana is legal for  
14                             medicinal or personal use, including—

15                           (1) how Federal policy should interact with  
16                             State laws that make marijuana legal for medicinal  
17                             or personal use;

18                           (2) the cost of marijuana prohibition and poten-  
19                             tial State and Federal regulation of marijuana, as  
20                             well as the potential revenue generated by taxation  
21                             of marijuana;

22                           (3) the impact of Federal banking and tax laws  
23                             on businesses operating in compliance with State  
24                             laws related to marijuana;

1                             (4) the health impacts, both benefits and risks,  
2                             related to marijuana use, and in comparison to alco-  
3                             hol and tobacco use;

4                             (5) the domestic and international public safety  
5                             effects of marijuana prohibition and the impact that  
6                             regulation and control of marijuana has on public  
7                             safety;

8                             (6) the impact of marijuana prohibition on  
9                             criminal justice, including any racial disparities, and  
10                             the collateral consequences of prosecution for mari-  
11                             juana possession, including lack of access to hous-  
12                             ing, education, and employment;

13                             (7) recommending the appropriate placement of  
14                             marijuana in the schedule of the Controlled Sub-  
15                             stances Act (21 U.S.C. 801 et seq.); and

16                             (8) the effects of marijuana prohibition or fu-  
17                             ture regulation and control of marijuana on inter-  
18                             national relationships and treaty obligations.

19 **SEC. 5. MEMBERSHIP.**

20                             (a) NUMBER AND APPOINTMENT.—The Commission  
21                             shall be composed of 13 members appointed as follows:

22                             (1) Five individuals appointed by the President,  
23                             one of whom the President shall designate as a co-  
24                             chair of the Commission.

1                   (2) Two individuals appointed by the Speaker  
2       of the House of Representatives, one of whom the  
3       Speaker shall designate as a co-chair of the Commis-  
4       sion only if the Speaker is not of the same political  
5       party of the President.

6                   (3) Two individuals appointed by the minority  
7       leader of the House of Representatives, one of whom  
8       the minority leader shall designate as a co-chair of  
9       the Commission only if the minority leader is not of  
10      the same political party of the President.

11                  (4) Two individuals appointed by the majority  
12      leader of the Senate.

13                  (5) Two individuals appointed by the minority  
14      leader of the Senate.

15                  (b) QUALIFICATIONS.—The members of the Commis-  
16      sion shall be individuals with distinguished reputations for  
17      integrity and nonpartisanship who are nationally recog-  
18      nized for expertise, knowledge, or experience in one or  
19      more of the following areas:

20                  (1) Criminal justice.

21                  (2) Public health.

22                  (3) Social policy.

23                  (4) Economics.

24                  (5) International law.

1       (c) DISQUALIFICATION.—An individual may not be  
2 appointed as a member of the Commission if—

3               (1) the individual possesses a personal financial  
4 interest in the discharge of the duties of the Com-  
5 mission; or

6               (2) the individual holds public office, serves as  
7 an employee of a political party, is a public official  
8 or candidate for office, or has filed and is running  
9 as a candidate for election for public office.

10       (d) TERMS.—Members shall be appointed for the life  
11 of the Commission.

12       (e) APPOINTMENT.—Members of the Commission  
13 shall be appointed not later than 45 days after the date  
14 of the enactment of this Act.

15       (f) VACANCIES.—Any vacancy in the Commission  
16 shall not affect its powers, but shall be filled in the same  
17 manner in which the original appointment was made. If  
18 vacancies in the Commission occur on any day after 45  
19 days after the date of the enactment of this Act, a quorum  
20 shall consist of a majority of the members of the Commis-  
21 sion.

22       (g) BASIC PAY.—

23               (1) IN GENERAL.—Members shall each be enti-  
24 tled to receive the daily equivalent of level V of the  
25 Executive Schedule for each day (including travel

1 time) during which they are engaged in the actual  
2 performance of duties vested in the Commission.

3 (2) TRAVEL EXPENSES.—Each member shall  
4 receive travel expenses, including per diem in lieu of  
5 subsistence, in accordance with applicable provisions  
6 under subchapter I of chapter 57 of title 5, United  
7 States Code.

8 **SEC. 6. POWERS.**

9 (a) MEETINGS.—

10 (1) IN GENERAL.—The Commission shall meet  
11 at the call of either of the co-chairs or a majority  
12 of its members.

13 (2) FIRST MEETING.—The Commission shall  
14 hold its first meeting on the date that is 60 days  
15 after the date of enactment of this Act, or not later  
16 than 30 days after the date on which funds are  
17 made available for the Commission, whichever is  
18 later.

19 (3) QUORUM.—Seven members of the Commis-  
20 sion shall constitute a quorum for purposes of con-  
21 ducting business, except that 2 members of the  
22 Commission shall constitute a quorum for purposes  
23 of receiving testimony.

24 (4) OPEN TO THE PUBLIC.—Meetings of the  
25 Commission shall be open to the public. Interested

1 persons shall be permitted to appear at meetings  
2 and present oral or written statements on the sub-  
3 ject matter of the meeting. The Commission may ad-  
4 minister oaths or affirmations to any person appear-  
5 ing before it.

6 (5) NOTICE.—Meetings of the Commission shall  
7 be preceded by timely public notice in the Federal  
8 Register of the time, place, and subject of the meet-  
9 ing.

10 (b) PUBLIC HEARINGS.—The Commission may, for  
11 the purpose of carrying out this Act, hold hearings, sit  
12 and act at times and places, take testimony, and receive  
13 evidence as the Commission considers appropriate. The  
14 Commission shall hold hearings in—

15 (1) at least 2 States in which marijuana is legal  
16 for medicinal purposes;

17 (2) at least 2 States in which marijuana is legal  
18 for personal use; and

19 (3) at least 2 States in which marijuana is not  
20 legal for any purpose.

21 (c) COMMISSION PANELS.—The Commission may es-  
22 tablish panels composed of less than the full membership  
23 of the Commission, but any findings or determinations of  
24 such panels are not considered findings and determina-

1 tions of the Commission unless approved by the Commis-  
2 sion.

3 (d) DELEGATION.—Any member, agent, or staff of  
4 the Commission may, if authorized by the co-chairs of the  
5 Commission, take any action which the Commission is au-  
6 thorized to take pursuant to this Act.

7 (e) FEDERAL ADVISORY COMMITTEE ACT.—The  
8 Federal Advisory Committee Act (5 U.S.C. App.) shall not  
9 apply to the Commission.

10 **SEC. 7. ADMINISTRATION.**

11 (a) DIRECTOR.—The Commission may appoint a Di-  
12 rector to be paid the rate of basic pay for level V of the  
13 Executive Schedule.

14 (b) STAFF APPOINTMENT AND COMPENSATION.—  
15 With the approval of the Commission, the Director may  
16 appoint and fix the pay of additional personnel as the Di-  
17 rector considers appropriate. Such personnel may be ap-  
18 pointed without regard to the provisions of title 5, United  
19 States Code, governing appointments in the competitive  
20 service, and may be paid without regard to the provisions  
21 of chapter 51 and subchapter III of chapter 53 of that  
22 title relating to classification and General Schedule pay  
23 rates, except that an individual so appointed may not re-  
24 ceive pay in excess of level V of the Executive Schedule.

1       (c) EXPERTS AND CONSULTANTS.—With the ap-  
2 proval of the Commission, the Director may procure tem-  
3 porary and intermittent services under section 3109(b) of  
4 title 5, United States Code.

5       (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon  
6 the request of the Commission, the head of any Federal  
7 agency may detail, without reimbursement, any of the per-  
8 sonnel of such agency to the Commission to assist in car-  
9 rying out the duties of the Commission. Any such detail  
10 shall not interrupt or otherwise affect the civil service sta-  
11 tus or privileges of the Federal employee.

12       (e) OBTAINING OFFICIAL DATA.—The Commission  
13 may secure directly from any department or agency of the  
14 United States information necessary to enable it to carry  
15 out this Act. Upon the request of a co-chair of the Com-  
16 mission, the head of that department or agency shall fur-  
17 nish that information to the Commission.

18       (f) MAIls.—The Commission may use the United  
19 States mails in the same manner and under the same con-  
20 ditions as other departments and agencies of the United  
21 States.

22       (g) CONTRACTS.—The Commission is authorized to  
23 enter into contracts with Federal and State agencies, pri-  
24 vate firms, institutions, and individuals for the conduct of  
25 activities necessary to the discharge of its duties and re-

1 responsibilities. A contract, lease, or other legal agreement  
2 entered into by the Commission may not extend beyond  
3 the date of the termination of the Commission.

4 (h) GIFTS.—Subject to existing law, the Commission  
5 may accept, use, and dispose of gifts or donations of serv-  
6 ices or property.

7 (i) ADMINISTRATIVE ASSISTANCE.—The Adminis-  
8 trator of General Services shall provide to the Commis-  
9 sion, on a reimbursable basis, the administrative support  
10 services necessary for the Commission to carry out its re-  
11 sponsibilities under this Act. These administrative services  
12 may include human resource management, budget, leas-  
13 ing, accounting, and payroll services.

14 **SEC. 8. REPORT.**

15 Not later than 1 year after the date on which funds  
16 first become available to carry out this Act, the Commis-  
17 sion shall submit to the President and Congress, and make  
18 available to the public, a report containing the findings,  
19 conclusions, and recommendations of the Commission.

20 **SEC. 9. TERMINATION.**

21 The Commission shall terminate 60 days after the  
22 date of the submission of the report required under section  
23 8.

1   **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2       (a) IN GENERAL.—There are authorized to be appro-  
3 priated \$10,000,000 to carry out the purposes of this Act.

4       (b) LIMITATION ON USE.—Funds appropriated under  
5 this Act may not be used for international travel.

